

OLC 78-2835

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28 July 1978

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MEMORANDUM FOR: OGC
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FROM:

[Redacted]

Chief, Legislation Staff
Office of Legislative Counsel

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SUBJECT: Justice Appropriations Bill Report Language on Entry
and Expulsion of Foreign Intelligence Personnel

1. The Senate Appropriations Committee has ordered reported the Appropriations bill for the Department of Justice and other agencies. Attached is a page from the Committee report; I would direct your attention to the bracketed paragraph concerning a "directive" that "hostile [foreign] intelligence service personnel" should be denied entry to the U.S. and, if in the country, expelled.

2. Although this provision is report language only, and is not reflected in the bill itself, the fact that it is directed to an agency (INS) for which funds are appropriated under the provisions of the bill, means that in practice it may have the effect of a binding directive; at least the INS may operate on that basis (this could prove extremely troublesome).

3. Would you please review the referenced paragraph in the report, and advise as to the problems your office foresees with regard to:

--the provision's effects on our relationship with INS

--the potential "reciprocity effects" if the "directive" in the provision were carried through

--[for OGC] whether there is sufficient flexibility in the language concerning the role of the Attorney General so that the possible negative effects could be avoided

--the numbers of "hostile intelligence service personnel" that would presently and could be affected by the provision

Any other relevant comments would, of course, be welcome.

4. Please advise as to the above matters by Tuesday, 1 August; this will allow us to begin taking whatever action may be necessary before the House-Senate conferees meet on the legislation. Thank you.

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